



General Assembly

January Session, 2019

**Raised Bill No. 7294**

LCO No. 5226



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

**AN ACT CONCERNING BOTTLE REDEMPTION IN THE STATE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-243 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2020*):

3 For purposes of sections 22a-243 to 22a-245c, inclusive:

4 (1) "Carbonated beverage" means beer or other malt beverages, and  
5 mineral waters, soda water and similar carbonated soft drinks in liquid  
6 form and intended for human consumption;

7 (2) "Noncarbonated beverage" means water, including flavored  
8 water, nutritionally enhanced water, juice, tea, sports drink or energy  
9 drink and any beverage that is identified through the use of letters,  
10 words or symbols on such beverage's product label as a type of water,  
11 juice, tea, sports drink or energy drink but excluding [juice and]  
12 mineral water;

13 (3) "Beverage container" means the individual, separate, sealed  
14 glass, metal or plastic bottle, can, jar or carton containing a carbonated

15 or noncarbonated beverage, but does not include a bottle, can, jar or  
16 carton (A) three liters or more in size if containing a noncarbonated  
17 beverage, or (B) made of high-density polyethylene;

18 (4) "Consumer" means every person who purchases a beverage in a  
19 beverage container for use or consumption;

20 (5) "Dealer" means every person who engages in the sale of  
21 beverages in beverage containers to a consumer;

22 (6) "Distributor" means every person who engages in the sale of  
23 beverages in beverage containers to a dealer in this state including any  
24 manufacturer who engages in such sale and includes a dealer who  
25 engages in the sale of beverages in beverage containers on which no  
26 deposit has been collected prior to retail sale;

27 (7) "Manufacturer" means every person bottling, canning or  
28 otherwise filling beverage containers for sale to distributors or dealers  
29 or, in the case of private label brands, the owner of the private label  
30 trademark;

31 (8) "Place of business of a dealer" means the fixed location at which  
32 a dealer sells or offers for sale beverages in beverage containers to  
33 consumers;

34 (9) "Redemption center" means any facility established to redeem  
35 empty beverage containers from consumers or to collect and sort  
36 empty beverage containers from dealers and to prepare such  
37 containers for redemption by the appropriate distributors;

38 (10) "Use or consumption" includes the exercise of any right or  
39 power over a beverage incident to the ownership thereof, other than  
40 the sale or the keeping or retention of a beverage for the purposes of  
41 sale;

42 (11) "Nonrefillable beverage container" means a beverage container  
43 which is not designed to be refilled and reused in its original shape;  
44 and

45 (12) "Deposit initiator" means the first distributor to collect the  
46 deposit on a beverage container sold to any person within this state.

47 Sec. 2. Section 22a-244 of the general statutes is repealed and the  
48 following is substituted in lieu thereof (*Effective July 1, 2022*):

49 (a) (1) Every beverage container containing a carbonated beverage  
50 sold or offered for sale in this state, except for any such beverage  
51 containers sold or offered for sale for consumption on an interstate  
52 passenger carrier, shall have a refund value. Such refund value shall  
53 not be less than [five] ten cents and shall be a uniform amount  
54 throughout the distribution process in this state. (2) Every beverage  
55 container containing a noncarbonated beverage sold or offered for sale  
56 in this state shall have a refund value, except for beverage containers  
57 containing a noncarbonated beverage that are (A) sold or offered for  
58 sale for consumption on an interstate passenger carrier, or (B) that  
59 comprise any dealer's existing inventory as of March 31, 2009. Such  
60 refund value shall not be less than [five] ten cents and shall be a  
61 uniform amount throughout the distribution process in this state.

62 (b) Every beverage container sold or offered for sale in this state,  
63 that has a refund value pursuant to subsection (a) of this section, shall  
64 clearly indicate by embossing or by a stamp or by a label or other  
65 method securely affixed to the beverage container (1) either the refund  
66 value of the container or the words "return for deposit" or "return for  
67 refund" or other words as approved by the Department of Energy and  
68 Environmental Protection, and (2) either the word "Connecticut" or the  
69 abbreviation "Ct.", provided this subdivision shall not apply to glass  
70 beverage containers permanently marked or embossed with a brand  
71 name.

72 (c) No person shall sell or offer for sale in this state any metal  
73 beverage container (1) a part of which is designed to be detached in  
74 order to open such container, or (2) that is connected to another  
75 beverage container by a device constructed of a material which does  
76 not decompose by photodegradation, chemical degradation or

77 biodegradation within a reasonable time after exposure to the  
78 elements.

79 Sec. 3. Section 22a-245 of the general statutes is repealed and the  
80 following is substituted in lieu thereof (*Effective July 1, 2020*):

81 (a) No person shall establish a redemption center without  
82 registering with the commissioner on a form provided by the  
83 commissioner with such information as the commissioner deems  
84 necessary including (1) the name of the business principals of the  
85 redemption center and the address of the business; (2) the name and  
86 address of the sponsors and dealers to be served by the redemption  
87 center; (3) the types of beverage containers to be accepted; (4) the hours  
88 of operation; and (5) whether beverage containers will be accepted  
89 from consumers. The operator of the redemption center shall report  
90 any change in procedure to the commissioner within forty-eight hours  
91 of such change. Any person establishing a redemption center shall  
92 have the right to determine what kind, size and brand of beverage  
93 container shall be accepted. Any redemption center may be established  
94 to serve all persons or to serve certain specified dealers.

95 (b) A dealer shall not refuse to accept at such dealer's place of  
96 business, from any person any empty beverage containers of the kind,  
97 size and brand sold by the dealer, or refuse to pay to such person the  
98 refund value of a beverage container unless (1) such container contains  
99 materials which are foreign to the normal contents of the container; (2)  
100 such container is not labeled in accordance with subsection (b) of  
101 section 22a-244, as amended by this act; (3) such dealer sponsors, solely  
102 or with others, a redemption center which is located within a [one-  
103 mile] five-mile radius of such place of business and which accepts  
104 beverage containers of the kind, size and brand sold by such dealer at  
105 such place of business; or (4) there is established by others, a  
106 redemption center which is located within a [one-mile] five-mile  
107 radius of such place of business and which accepts beverage containers  
108 of the kind, size and brand sold by such dealer at such place of  
109 business. A dealer shall redeem an empty container of a kind, size or

110 brand the sale of which has been discontinued by such dealer for not  
111 less than sixty days after the last sale by the dealer of such kind, size or  
112 brand of beverage container. Sixty days before such date, the dealer  
113 shall post, at the point of sale, notice of the last date on which the  
114 discontinued kind, size or brand of beverage container shall be  
115 redeemed.

116 (c) A distributor shall not refuse to accept from a dealer or from an  
117 operator of a redemption center, located and operated exclusively  
118 within the territory of the distributor or whose operator certifies to the  
119 distributor that redeemed containers were from a dealer located within  
120 such territory, any empty beverage containers of the kind, size and  
121 brand sold by the distributor, or refuse to pay to such dealer or  
122 redemption center operator the refund value of a beverage container  
123 unless such container contains materials which are foreign to the  
124 normal contents of the container or unless such container is not labeled  
125 in accordance with subsection (b) of section 22a-244, as amended by  
126 this act. A distributor shall remove any empty beverage container from  
127 the premises of a dealer serviced by the distributor or from the  
128 premises of a redemption center sponsored by dealers serviced by the  
129 distributor, provided such premises are located within the territory of  
130 the distributor. The distributor shall pay the refund value to dealers in  
131 accordance with the schedule for payment by the dealer to the  
132 distributor for full beverage containers and shall pay such refund  
133 value to operators of redemption centers not more than twenty days  
134 after receipt of the empty container. For the purposes of this  
135 subsection, a redemption center shall be considered to be sponsored by  
136 a dealer if (1) the dealer refuses to redeem beverage containers and  
137 refers consumers to the redemption center, or (2) there is an agreement  
138 between the dealer and the operator of the redemption center  
139 requiring the redemption center to remove empty beverage containers  
140 from the premises of the dealer. A distributor shall redeem an empty  
141 container of a kind, size or brand of beverage container the sale of  
142 which has been discontinued by the distributor for not less than one  
143 hundred fifty days after the last delivery of such kind, size or brand of

144 beverage container. Not less than one hundred twenty days before the  
145 last date such containers may be redeemed, the distributor shall notify  
146 such dealer who bought the discontinued kind, size or brand of  
147 beverage container that such distributor shall not redeem an empty  
148 beverage container of such kind, size or brand of beverage containers.

149 (d) In addition to the refund value of a beverage container, a  
150 distributor shall pay to any dealer or operator of a redemption center a  
151 handling fee of at least [one] three and one-half cents for each  
152 container of beer or other malt beverage and [two] four and one-half  
153 cents for each beverage container of mineral waters, soda water and  
154 similar carbonated soft drinks or noncarbonated beverage returned for  
155 redemption. A distributor shall not be required to pay to a  
156 manufacturer the refund value of a nonrefillable beverage container.

157 (e) The Commissioner of Energy and Environmental Protection shall  
158 adopt regulations, in accordance with the provisions of chapter 54, to  
159 implement the provisions of sections 22a-243 to 22a-245, inclusive, as  
160 amended by this act. Such regulations shall include, but not be limited  
161 to, provisions for the redemption of beverage containers dispensed  
162 through automatic vending machines, the use of vending machines  
163 that dispense cash to consumers for redemption of beverage  
164 containers, scheduling for redemption by dealers and distributors and  
165 for exemptions or modifications to the labeling requirement of section  
166 22a-244, as amended by this act.

167 (f) For the purposes of this section, "refund value" means the refund  
168 value established by subsection (a) of section 22a-244, as amended by  
169 this act.

170 Sec. 4. Section 22a-245a of the general statutes is repealed and the  
171 following is substituted in lieu thereof (*Effective July 1, 2020*):

172 (a) Each deposit initiator shall open a special interest-bearing  
173 account at a Connecticut branch of a financial institution, as defined in  
174 section 45a-557a, to the credit of the deposit initiator. Each deposit  
175 initiator shall deposit in such account an amount equal to the refund

176 value established pursuant to subsection (a) of section 22a-244, as  
177 amended by this act, for each beverage container sold by such deposit  
178 initiator. Such deposit shall be made not more than one month after  
179 the date such beverage container is sold, provided for any beverage  
180 container sold during the period from December 1, 2008, to December  
181 31, 2008, inclusive, such deposit shall be made not later than January 5,  
182 2009. All interest, dividends and returns earned on the special account  
183 shall be paid directly into such account. Such moneys shall be kept  
184 separate and apart from all other moneys in the possession of the  
185 deposit initiator. The amount required to be deposited pursuant to this  
186 section, when deposited, shall be held to be a special fund in trust for  
187 the state.

188 (b) (1) Any reimbursement of the refund value for a redeemed  
189 beverage container shall be paid from the deposit initiator's special  
190 account, with such payment to be computed, subject to the provisions  
191 of subdivision (2) of this subsection, under the cash receipts and  
192 disbursements method of accounting, as described in Section 446(c)(1)  
193 of the Internal Revenue Code of 1986, or any subsequent  
194 corresponding Internal Revenue Code of the United States, as  
195 amended from time to time.

196 (2) A deposit initiator may petition the Commissioner of Revenue  
197 Services for an alternate method of accounting by filing with such  
198 deposit initiator's return a statement of objections and other proposed  
199 alternate method of accounting, as such deposit initiator believes  
200 proper and equitable under the circumstances, that is accompanied by  
201 supporting details and proof. The Commissioner of Revenue Services  
202 shall promptly notify such deposit initiator whether the proposed  
203 alternate method is accepted as reasonable and equitable and, if so  
204 accepted, shall adjust such deposit initiator's return and payment of  
205 reimbursement accordingly.

206 (c) (1) Each deposit initiator shall submit a report on March 15, 2009,  
207 for the period from December 1, 2008, to February 28, 2009, inclusive.  
208 Each deposit initiator shall submit a report on July 31, 2009, for the

209 period from March 1, 2009, to June 30, 2009, inclusive, and thereafter  
210 shall submit a quarterly report for the immediately preceding calendar  
211 quarter one month after the close of such quarter. Each such report  
212 shall be submitted to the Commissioner of Energy and Environmental  
213 Protection, on a form prescribed by the commissioner and with such  
214 information as the commissioner deems necessary, including, but not  
215 limited to: (A) The balance in the special account at the beginning of  
216 the quarter for which the report is prepared; (B) a list of all deposits  
217 credited to such account during such quarter, including all refund  
218 values paid to the deposit initiator and all interest, dividends or  
219 returns received on the account; (C) a list of all withdrawals from such  
220 account during such quarter, all service charges and overdraft charges  
221 on the account and all payments made pursuant to subsection (d) of  
222 this section; and (D) the balance in the account at the close of the  
223 quarter for which the report is prepared.

224 (2) Each deposit initiator shall submit a report on October 31, 2010,  
225 for the calendar quarter beginning July 1, 2010. Subsequently, each  
226 deposit initiator shall submit a quarterly report for the immediately  
227 preceding calendar quarter, on or before the last day of the month next  
228 succeeding the close of such quarter. Each such report shall be  
229 submitted to the Commissioner of Revenue Services, on a form  
230 prescribed by the Commissioner of Revenue Services, and with such  
231 information as the Commissioner of Revenue Services deems  
232 necessary, including, but not limited to, the following information: (A)  
233 The balance in the special account at the beginning of the quarter for  
234 which the report is prepared, (B) all deposits credited to such account  
235 during such quarter, including all refund values paid to the deposit  
236 initiator and all interest, dividends or returns received on such  
237 account, (C) all withdrawals from such account during such quarter,  
238 including all service charges and overdraft charges on such account  
239 and all payments made pursuant to subsection (d) of this section, and  
240 (D) the balance in such account at the close of the quarter for which the  
241 report is prepared. Such quarterly report shall be filed electronically  
242 with the Commissioner of Revenue Services, in the manner provided

243 by chapter 228g.

244 (d) (1) On or before April 30, 2009, each deposit initiator shall pay  
245 the balance outstanding in the special account that is attributable to the  
246 period from December 1, 2008, to March 31, 2009, inclusive, to the  
247 Commissioner of Energy and Environmental Protection for deposit in  
248 the General Fund. Thereafter, the balance outstanding in the special  
249 account that is attributable to the immediately preceding calendar  
250 quarter shall be paid by the deposit initiator one month after the close  
251 of such quarter to the Commissioner of Energy and Environmental  
252 Protection for deposit in the General Fund. If the amount of the  
253 required payment pursuant to this subdivision is not paid by the date  
254 seven days after the due date, a penalty of ten per cent of the amount  
255 due shall be added to the amount due. The amount due shall bear  
256 interest at the rate of one and one-half per cent per month or fraction  
257 thereof, from the due date. Any such penalty or interest shall not be  
258 paid from funds maintained in the special account.

259 (2) On or before October 31, 2010, each deposit initiator shall pay the  
260 balance outstanding in the special account that is attributable to the  
261 period from July 1, 2010, to September 30, 2010, inclusive, to the  
262 Commissioner of Revenue Services for deposit in the General Fund.  
263 Subsequently, eighty per cent of the balance outstanding in the special  
264 account that is attributable to the immediately preceding calendar  
265 quarter shall be paid by the deposit initiator on or before the last day  
266 of the month next succeeding the close of such quarter to the  
267 Commissioner of Revenue Services for deposit in the General Fund. If  
268 the amount of the required payment pursuant to this subdivision is not  
269 paid on or before the due date, a penalty of ten per cent of the amount  
270 due and unpaid, or fifty dollars, whichever is greater, shall be  
271 imposed. The amount due and unpaid shall bear interest at the rate of  
272 one per cent per month or fraction thereof, from the due date. Any  
273 such penalty or interest shall not be paid from funds maintained in  
274 such special account. Such required payment shall be made by  
275 electronic funds transfer to the Commissioner of Revenue Services, in  
276 the manner provided by chapter 228g.

277 (e) If moneys deposited in the special account are insufficient to pay  
278 for withdrawals authorized pursuant to subsection (b) of this section,  
279 the amount of such deficiency shall be subtracted from the next  
280 succeeding payment or payments due pursuant to subsection (d) of  
281 this section until the amount of the deficiency has been subtracted in  
282 full.

283 (f) The Commissioner of Revenue Services may examine the  
284 accounts and records of any deposit initiator maintained under this  
285 section or sections 22a-243 to 22a-245, inclusive, as amended by this  
286 act, and any related accounts and records, including receipts,  
287 disbursements and such other items as the Commissioner of Revenue  
288 Services deems appropriate.

289 (g) The Attorney General may, independently or upon complaint of  
290 the Commissioner of Energy and Environmental Protection or the  
291 Commissioner of Revenue Services, institute any appropriate action or  
292 proceeding to enforce any provision of this section or any regulation  
293 adopted pursuant to section 22a-245, as amended by this act, to  
294 implement the provisions of this section.

295 (h) The provisions of sections 12-548, 12-550 to 12-554, inclusive, and  
296 12-555a shall be deemed to apply to the provisions of this section,  
297 except any provision of sections 12-548, 12-550 to 12-554, inclusive, and  
298 12-555a that is inconsistent with the provision in this section.

299 (i) Any payment required pursuant to this section shall be treated as  
300 a tax for purposes of sections 12-30b, 12-33a, 12-35a, 12-39g and 12-39h.

301 (j) Not later than July 1, 2010, the Department of Energy and  
302 Environmental Protection or successor agency shall establish a  
303 procedure that allows each such deposit initiator to take a credit  
304 against any payment made pursuant to subsection (d) of this section in  
305 the amount of the deposits refunded on beverage containers which  
306 such deposit initiator donated for any charitable purpose.

307 Sec. 5. (NEW) (*Effective October 1, 2019*) The state shall have a

308 redemption goal of ninety per cent for beverage containers, as defined  
309 in section 22a-243 of the general statutes, as amended by this act. The  
310 Commissioner of Energy and Environmental Protection may develop a  
311 strategy for attaining such goal. In developing any such strategy, the  
312 commissioner shall consult with municipalities, dealers and  
313 redemption centers, as defined in section 22a-243 of the general  
314 statutes, as amended by this act. The commissioner may report to the  
315 General Assembly and the Governor, from time to time, on the status  
316 of the state's attainment of such goal and any legislative  
317 recommendations for enabling such attainment or increasing such  
318 goal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2020</i>	22a-243
Sec. 2	<i>July 1, 2022</i>	22a-244
Sec. 3	<i>July 1, 2020</i>	22a-245
Sec. 4	<i>July 1, 2020</i>	22a-245a
Sec. 5	<i>October 1, 2019</i>	New section

**Statement of Purpose:**

To amend the bottle bill in order to increase handling fees, redistribute escheats from unredeemed bottles, include additional beverage containers in the redemption value requirement, encourage additional independent redemption centers, increase the redemption value of such containers and establish a goal for the recycling of such containers.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*